



Proposed Regulation Agency Background Document

Agency name	Department of Criminal Justice Services
Virginia Administrative Code (VAC) citation	6 VAC 20 –30 et al.
Regulation title	Rules Relating to Compulsory In-Service Training Standards for Law Enforcement Officers, Jailors or Custodial Officers, Courtroom Security Officers, Process Service Officers and Officers of the Department of Corrections, Division of Institutional Services
Action title	DCJS In-Service Training Standards
Document preparation date	1/9/06

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.

The following changes are proposed

- Video/computer/multi-media/satellite-based training-Currently the rules all DCJS to establish guidelines to approve job related electronically transmitted programs. This proposal would allow academy directors to approve these types of programs.
- In-service training-Currently, academies submit information about in-service training to field coordinators for approval. This proposal allows the certified academy, under direction of the board, to approve and conduct all in-service training. At the discretion of the board, the academy may approve in-service training to be conducted at a member agency.
- Two-hour sessions-Currently the minimum requirement for a training session is four hours. This proposal would change that to two.

In-service credit for instructors-Currently instructors may not receive in-service credit for training they conduct. This proposal would allow them to receive in-service for training they conduct. They can only receive credit once during the two-year in-service cycle for the same topic.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

- (1) Relevant law: § 9.1-102 (1), (3), (5), (6), (7), (8) (9) (39) Code of Virginia
- (2) Promulgating entity: Criminal Justice Services Board
- (3) The board has the authority to establish training standards as necessary.

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal and the problems the proposal is intended to solve.

- (1) These rules were last amended in 1992. Since then technology has changed. Some of the standards are not compatible with the most efficient way to conduct training. The purpose of these changes is to facilitate training while maintaining the quality of training.
- (2) The goal of these changes is to make training and reporting requirements easier for certified academies to accomplish.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (More detail about these changes is requested in the "Detail of changes" section.)

The criteria for use of multi-media for training has been re-defined, the minimum requirement for a classroom training session has been reduced from 4 hours to 2 hours, the firearms requirements for in-service training have been made consistent with the requirements for entry-level training and a specific requirement for training to ensure sensitivity to and awareness of cultural diversity in accordance with § 9.1-102, (39), Code of Virginia.

Issues

- Please identify the issues associated with the proposed regulatory action, including:*
- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;
 - 2) the primary advantages and disadvantages to the agency or the Commonwealth; and
 - 3) other pertinent matters of interest to the regulated community, government officials, and the public.

If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.

- 1) The public should benefit from the requirement that all officers receive training to ensure sensitivity to and awareness of cultural diversity. Generally, the public should benefit because these changes make the provision of training by criminal justice academies more efficient while maintaining the quality of training.
- 2) The primary advantage of these changes is to facilitate training conducted by criminal justice academies.
- 3) None
- 4) There are no disadvantages to the general public or the Commonwealth.

Economic impact

Please identify the anticipated economic impact of the proposed regulation.

Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures	Approximately \$30,000 to modify the database used to calculate completion of in-service training due to the inclusion of the requirement to ensure sensitivity to and awareness of cultural diversity. (a) Fund source: general/special fund (b) This is a one-time expenditure
Projected cost of the regulation on localities	None
Description of the individuals, businesses or other entities likely to be affected by the regulation	None
Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	None
All projected costs of the regulation for affected individuals, businesses, or other entities. Please be specific. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses.	None

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

The only alternative is to leave the rules the way they are. Since these changes are intended to be beneficial to criminal justice training, there are no alternatives.

Public comment

Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.

Commenter	Comment	Agency response
Col. Flaherty, Supt. of State Police	In 6 VAC 20-30-50, "How compulsory in-service training standards may be attained", section C., page 13, does not provide for a maximum limit of multi-media hours to be used toward the mandated 40-hour biennial requirement. While allowing the academy director discretion to award in-service credit for multi-media training is appealing, it is important to establish a ceiling. The traditional instructor to student methodology has many benefits and should not be overshadowed, but complimented with multi-media training. I propose that no more than 20 hours of multi-media training be used to fulfill the 40-hour biennial requirement.	The agency consulted a committee representing all parties affected. After considerable discussion, the committee recommended no changes to this requirement. It should be the responsibility of the academy to determine the number of hours of multi-media instruction may be counted toward in-service credit.
Col. Flaherty, Supt. of State Police	6 VAC 20-30 Compulsory in-service training standards requires that in-service training must include 2 hours of cultural diversity training. However, DCJS has eliminated the phrase: testing optional, but strongly encouraged. It is our position, that given the serious nature and importance of cultural diversity, there should be a testing mechanism to document knowledge of the law and concept.	The agency consulted a committee representing all parties affected. The committee recommended no changes to this requirement.
	6 VAC 20-30-40 proposes that the minimum length for any in-service training can be 2 hours.	The committee recommended no changes to this requirement.
	6 VAC 20-30-50 How compulsory in-service training may be attained: We concur with	The committee recommended no changes to this requirement.

	the use of multi-media programming and hope to implement our own distance learning before year's end. However, we believe in excellence and a thorough knowledge of the subject matter. Therefore, we should expect on less than 80% versus 70% as suggested, for a passing grade.	
	6 VAC 20-30-60 Requirements for in-service training: We concur with the suggestion that a certified instructor receive in-service credit for training on an hour for hour basis. Understanding the maximum is 16 hours or in-service credit within a two-year in-service period.	The committee recommended no changes to this requirement.
Paula Wyatt, Sheriff, Hopewell Sheriff's Office	I think 60 days is too long for approval of outside seminars or other courses because sometimes I don't find out some courses until after the 60 days.	The committee recommended the 60-day requirement for approval should be stricken from the rules.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

None

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

For changes to existing regulations, use this chart:

Current section	Proposed new section	Current requirement	Proposed change and rationale
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number	number, if applicable		
20-30-10	NA	None	Added definition of multi-media training
20-30-30	A. 1., B.1. C.1, D.1	None	Added requirement for cultural diversity training
20-30-40, C., 1., f.		Restricts training extension to 90 days	Provides agency more flexibility in granting extensions
20-30-40, C., 2.		Restricts extension to 12 months for reasons that could last longer than 12 months.	Eliminate the requirement.
20-30-50, B.		Defines administrative requirements for partial in-service credit.	Clarifies the administrative requirements.
20-30-50, C		Defines requirements for training through electronically transmitted programs	Established new multi-media training requirements that are more current than previous policy
20-30-60, A.		Defines academy reporting requirements for in-service training.	Gives the academy the authority to approve training, modifies reporting requirements and clarifies where training may be conducted
20-30-60, B.		Defines the departments authority to inspect and review approved training	Clarifies the department's authority to deny in-service credit for training that is not in compliance with training standards. Replaces 20-30-60, C.
20-30-60, C.		Describes process for suspending approval of training	Eliminated and replaced by 20-30-60, B.
20-30-60, D.		Describes appeal for revocation of approval for training	Eliminate and replace with a provision to allow instructors to receive in-service credit for conducting training.
20-30-80		Describes requirements for annual firearms qualification	Updates the annual firearms requirement to be consistent with the options available for entry-level training.

Enter any other statement here